IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.550 OF 2003

Smt.Vasanti Vasant Dhadke .. Petitioner

Versus

The Additional Commissioner

Konkan Vibhag & Ors. .. Respondents

Mr.A.S.Desai with L.B.Patne for petitioner

Mr.Subhash Dhadge for respondent No.3

CORAM : S.C.DHARMADHIKARI, J.

DATE : 25th January 2006.

P.C.

. Heard Mr.Desai for petitioner.

2. This petition challenges the order passed by the Additional Commissioner, Konkan Division, dated 19th October 2002 in appeal which was preferred by petitioner under section 249 of the Maharashtra Land Revenue Code. Mr.Desai states that the structure which was found within the limits of a private property belonging to respondent No.3 society, has now been removed and the society has erected fencing/compound. However, he submits that the petitioner has documents to establish that photo pass was issued on 7th July 1994 on the basis that the property/structure is on Government land. Although, it may have been observed that the structure was on the private land, still, considering the fact that photo pass was once issued and was subsisting for a considerable length of time as also the petitioner being on he property prior to the appointed date, liberty may be granted to petitioner to apply to the Collector for issuance of appropriate documents

with a view to enable the petitioner to take some benefit of the re-development schemes with regard to slums in Mumbai.

3. Reserving such liberty to apply, present petition is dismissed.

(S.C.DHARMADHIKARI, J)